

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

GABE LOCKETT CULLER,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 5:12-CV-58 (MTT)
)	
BIBB COUNTY SUPERIOR COURT, <i>et</i>)	
<i>al.</i> ,)	
)	
Respondents.)	
)	

ORDER

This matter is before the Court on the Petitioner's Motion for Leave to Appeal In Forma Pauperis. (Doc. 10). For the following reasons, the Motion is **DENIED**.

The Petitioner seeks to appeal the Court's Order dismissing the Plaintiff's habeas petition. (Doc. 6). The Petitioner's petition was dismissed because he has an identical habeas action pending in the United States District Court for the Middle District of Georgia with Judge Ashley Royal. (Doc. 6).

Federal Rule of Appellate Procedure 24(a) sets out the requirements for an appellant in a civil case who wishes to proceed in forma pauperis. According to Rule 24(a)(1), the appellant "must attach an affidavit that...(A) shows in the detail prescribed by Form 4 of the Appendix of Forms [his] inability to pay or give security for the fees and costs; (B) claims an entitlement to redress; and (C) states the issues that [he] intends to present on appeal." Here, the Petitioner's Affidavit is insufficient in that it neither claims an entitlement to redress nor states the issues that are presented on appeal. Therefore,

the Plaintiff has failed to satisfy the requirements of Rule 24 and his Motion is **DENIED**. (Doc. 10). If the Plaintiff wishes to proceed with his appeal, he must pay the entire \$455.00 appellate filing fee.

SO ORDERED, this the 29th day of May, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT